IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6891 of 2007()

CRIME NO.353/07 OF POOYAPPALLI POLICE STATION

: PETITIONERS/ACCUSED 2,3,4 AND 5:

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1. PAREETHUKUNHU, AGED 75 YEARS,
E.P. HOUSE, CHEIYA VELINALLOOR P.O.,KOLLAM DIST.

2. RAHMATH, AGED 65 YEARS,
W/O. PAREEDKUNHU, -DO- -DO-.

3. RAHILA, D/O. PAREEDKUNHU, -DO- -DO-.

4. BUSHRA,
KUTTILANGI HOUSE, IRUPPUPARA, ROSEVILA,
KOLLAM DISTRICT.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: STATE:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
POOYAPPALLI POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6891 of 2007

Dated this the 14th day of November, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 2 to 5. The 1st accused is the husband of the defacto complainant. The petitioners are relatives of the 1st accused. The marriage took place on 9.3.06. The spouses are not blessed with any children. Matrimonial cruelty of the culpable variety punishable under Section 498 A I.P.C is alleged against the accused persons. The crime has been registered on the basis of a private complaint filed by the defacto complainant and referred to the police by the learned Magistrate under Section 156(3) Cr.P.C.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can be granted anticipatory bail. In coming to this conclusion I take note of the reality that arrest and detention of the petitioners is likely to mar all possibilities of harmonious settlement of the matrimonial dispute. I take note of the further fact that the learned Public Prosecutor concedes that there is no injury suffered by the victim also. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 21.11.2007. They shall be enlarged on regular bail on their executing bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 22.11.07 and 23.11.07 and thereafter between 10 a.m and 12 noon on all Sundays for a period of 2 months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 21.11.2007 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 21.11.07.

(R.BASANT, JUDGE)

rtr/-